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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/750,174  | 12/29/2000  | Nabil N. Seddigh     | P 270174 12845RO    | 5825             |
| 909   | 7590        | 02/09/2005           | EXAMINER            |                  |
| PILLSBURY WINTHROP, LLP<br>P.O. BOX 10500<br>MCLEAN, VA 22102 |             |                      | JONES, PRENELL P    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2667                |                  |

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/750,174

Applicant(s)

SEDDIGH ET AL. 

Examiner

Prenell P Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-27 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 29 is/are rejected.
- 7) ☐ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-27, 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

***Response to Amendment***

Applicant's amendment contains typographical errors with regard to the identifiers associated with claims 5, 29 and 30, which were amended and not presented in its original form.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
2. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant is claiming a method, system and apparatus method simultaneously, which is indefinite under 112/2d (In Ex Parte Lyell 17 USPQ2d 1548 (Bd. PA & I 1990)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan in view of Kalmanek, Jr. et al.

Regarding claims 1, 2 and 4, Donovan discloses (Abstract, Fig. 1 & 8B, col. 4, line 5-64, col. 5, line 15-col. 7, line 67) end-to-end communication between a first user and second user wherein QoS is assured by successful RSVP reservation whereby policy servers are utilized at both first user and second user locations as well as edge routers wherein the routers/servers act as policy enforcement points, a request message (first message) is routed from first user to second user, a response message (second message) (acknowledgement) is transmitted from second user to first user, and another (third message) message from first user to second user is

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transmitted, (col. 9, line 3 thru col. 11, line 67) reserving resource setup/resource for communication from first user to second user and from second user back to first user, and (col. 7, line 22 thru col. 8, line 67) messages relayed between users are PATH message, RESV message and confirmation acknowledgement, (Fig. 3, col. 7, line 45 thru col. 8, line 35) QoS setup and resource reservation and completion of call occurs with respect to the QoS reservation is confirmed (acknowledged) end to end in forward and reverse directions (both directions/two-way streaming), messages/confirmations are acknowledged. Donovan is silent on communicating resource reservation accompanying messages from first calling party to called party and from called party to calling party. In analogous art, Kalmanek discloses (Abstract, Fig. 1-9, col. 5, line 2-28, line 58-67, col. 7, line 28-35, col. 8, line 50-54, col. 9, line 40-43, col. 10, line 6-19, col. 13, line 33 thru col. 14, line 65) exchanging communication signaling messages (plurality of messages/first, second, third) end-to-end in a communication architecture that includes communication between telephony units via edge routers, wherein in the setup process resource reservation messages and setup acknowledgement messages are exchanged between devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement communicating resource reservation request between a first party and second party (telephone units) via multiple communication messages in a communication set up process as taught by Kalmanek with the teachings of Donovan for the purpose of providing further managed end-to-end communication between users in communication setup.

***Allowable Subject Matter***

1. Claims 5-27 and 30 are allowed over prior art.

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2. Claims 3 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art discloses filtering/gating data flow using policy control mechanisms whereby RSVP protocol is used by routers to deliver request to nodes along paths of flow, edge routers, gateway and routers act as policy enforcement points/nodes, implementing IP telephony using end-end RSVP signaling, providing QOS using end-end RSVP signaling, establishing RSVP policy based telephone request, RSVP processing at routers/gateways/servers they fail to teach/suggest second policy enforcement device connecting to a network and sending a third message from a first party to a second party, said third message acknowledging second message, sending PATH\_ERR message, intercepting a PATH message carrying resource reservation request, aborting initiation of communication if said message is an RESV ERR message, first/second/third policy enforcement device, third message includes RESV Confirm + RESV message, aborting initiation, determining a next hop address if said decision is positive, said next hop address being determined from path information carried in said RESV+PATH, adding an address to said PATH message if said message is a PATH message, address identifying said egress policy enforcement device, adding an address resulting in a revised PATH message, determining a hop address for forwarding said revised PATH message, egress is defined according to said forward

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direction, each of said at least one egress policy enforcement device receiving said first/second/third messages, adding its own address to the first message before forwarding the first message and adding its own address to said second message being forwarding, probing path between first party and second party.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

February 3, 2005

A handwritten signature in black ink, appearing to read "Prenell Jones", is written over the typed name and date.